UNITED STATES PATENT AND TRADEMARK OFFICE

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10/077,562	02/15/2002	Daniel Benyamin	11336-1161 (P01139US)	3315

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2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _15 February 2002_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-69_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-69_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _15 February 2002_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _2/03,5/04,7/05_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

\DETAILED ACTION

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 52-63 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 52-63 define processor readable storage devices having processor readable code embodied on said processor readable storage devices. However, the claim does not define computer readable medium and is thus non-statutory.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims 1, 2, 4, 6, 7, 11-25, 27, 29-33, 35, 37, 40-46, 48, 50-52, 56-59, 61, and 63-69 are rejected under 35 U.S.C. 102(b) as being anticipated by Proehl et al. (US Pat. No. 6,118,450).

4.   Consider claim 1. Proehl et al. teaches a method for presenting audio/visual tracks (fig. 1), said tracks having track identification attributes, said method comprising the steps of: receiving an indication of a first mode of a set of modes, each mode is

associated with a different track identification attribute, each mode includes one or more

playlists of tracks, each playlist of a particular mode is based on a different value for

said track identification attribute associated with said particular mode; accessing a first

playlist for said first mode; and playing tracks according to said first playlist (col.5, line

58 – col. 6, line 25; col. 8, lines 25-67).

5.   Consider claim 2. Proehl et al. teaches a method according to claim 1, wherein:

said first mode includes said first playlist and a second playlist; said first mode is

associated with a first track identification attribute; said first track identification attribute

is an indication of genre; said first playlist includes tracks of a first genre; and said

second playlist includes tracks of a second genre (col. 8, lines 25-67).

6.   Consider claim 4. Proehl et al. teaches a method according to claim 1, wherein:

said tracks are music tracks; said indication is provided by an automobile audio head

unit adapted to communicate with a disc changer; and said steps of receiving,

accessing and playing are performed by a device in communication with said

automobile audio head unit, said device emulates said disc changer (col. 8, lines 25-

67).

7.   Consider claim 6. Proehl et al. teaches a method according to claim 1, wherein:

said tracks are music tracks; each mode of said set of modes is associated with an

input device from a set of one or more input devices on an automobile head unit; and

said step of receiving is performed in response to said one or more input devices (col. 8,

lines 25-67).

8.   Consider claim 7. Proehl et al. teaches a method according to claim 1, wherein:

said tracks are music tracks; each mode of said set of modes is associated with a

separate one of a set of input devices on an automobile head unit; each input device is

designed to indicate playback of a particular disk; and said step of receiving is

performed in response to one of said input devices (col. 8, lines 25-67).

9.   Consider claim 11. Proehl et al. teaches a method according to claim 7, further

comprising the steps of: audibly announcing said first mode; and audibly announcing

said first playlist (col. 8, lines 25-67).

10.   Consider claim 12. Proehl et al. teaches a method according to claim 11,

wherein: said step of audibly announcing said first mode includes reading a first text file

and generating speech based on said first text file (col. 8, lines 25-67).

11.   Consider claim 13. Proehl et al. teaches a method according to claim 11,

wherein: said step of audibly announcing said first playlist includes reading an

identification for said first playlist and generating speech based on said identification

(col. 8, lines 25-67).

12.   Consider claim 15. Proehl et al. teaches a method according to claim 1, wherein:

said tracks are music tracks; each mode of said set of modes is associated with a

separate one of a set of input devices on an automobile head unit; each input device is

capable of tuning a particular radio station; and said step of receiving is performed in

response to one of said input devices (col. 8, lines 25-67; fig. 10).

13.   Consider claim 16. Proehl et al. teaches a method according to claim 1, wherein:

said first playlist includes tracks of a first artist (col. 5, lines 58-67).

14.   Consider claim 17. Proehl et al. teaches a method according to claim 1, wherein: said first playlist includes tracks of a first genre (col. 5, lines 58-67).

15.   Consider claim 18. Proehl et al. teaches a method according to claim 1, wherein: said first playlist includes tracks of a first album (col. 5, lines 58-67).

16.   Consider claim 19. Proehl et al. teaches a method according to claim 1, wherein: said first playlist includes tracks designated by a user (col. 8, lines 25-67).

17.   Consider claim 20. Proehl et al. teaches a method according to claim 1, wherein: said first mode is associated with a first track identification attribute; and said first track identification attribute identifies a combination of a first artist and a first genre (col. 8, lines 25-67).

18.   Consider claim 21. Proehl et al. teaches a method according to claim 1, wherein: said playlists pre-exist prior to said step of receiving (col. 5, lines 58-67).

19.   Consider claim 22. Proehl et al. teaches a method according to claim 1, wherein: said first mode includes a first set of one or more playlists; and said first set of one or more playlists are created in response to said step of receiving (col. 8, lines 25-67).

20.   Consider claim 23. Proehl et al. teaches a method according to claim 1, further comprising the steps of: receiving a seeking command; audibly indicating letters associated with groups of one or more playlists until said seeking command is no longer asserted; and playing tracks associated with a last audibly announced letter (col. 8, lines 25-67).

21.   Consider claim 24. Proehl et al. teaches a method for presenting audio/visual tracks, said tracks having track identification attributes, said method comprising the

steps of: sequentially playing a first set of tracks that have a common value for a first track identification attribute; receiving an indication of a second track identification attribute while sequentially playing said first set of tracks; determining a second set of tracks based on a particular value for said second track identification attribute for a particular track playing at a time when said indication of said second track identification attribute is received, said second set of tracks have said particular value for said second track identification attribute; and sequentially playing said second set of tracks (col. 8, lines 25-67; fig. 1).

22.   Consider claim 25. Proehl et al. teaches a method according to claim 24, wherein: said step of sequentially playing said second set of tracks includes continuing to play said particular track (col. 8, lines 25-67).

23.   Consider claim 29. Proehl et al. teaches a method according to claim 24, wherein: said tracks are music tracks; said first set of tracks is associated with a first mode; said second set of tracks is associated with a second mode; said music tracks includes additional sets of tracks other than said first set of tracks and said second set of tracks, said additional sets of tracks are associated with additional modes; each modes is associated with a separate one of a set of input devices on an automobile head unit; each input device is designed to indicate playback of a particular disk; and said step of receiving is performed in response to one of said input devices(col. 8, lines 25-67).

24.   Consider claim 30. Proehl et al. teaches a method according to claim 24, further

comprising the steps of: audibly announcing said second set of tracks (col. 8, lines 25-

67).

25.   Claims 14, 27, 31-33, 35, 37, 40-46, 48, 50-52, 56-59, 61, and 63-69 are rejected

using similar reasoning as the corresponding claims above.

Claim Rejections - 35 USC § 103

26.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

27.   Claims 3, 5, 8-10, 26, 28, 34, 36, 38, 39, 47, 49, 53-55, 60, and 62 are rejected

under 35 U.S.C. 103(a) as being unpatentable over Proehl et al. (US Pat. No.

6,118,450) in view of Official Notice.

28.   Consider claim 3. Proehl et al. teaches all claimed limitations as stated above,

except said music tracks are stored as compressed digital audio data.

        However, the examiner takes official notice that it well known in the art to

compress an audio signal.

        Therefore, it would have been obvious to one of ordinary skill in the art, at the

time the invention was made to use, to store the music tracks as compressed digital

audio data, in order to increase the storage capacity of the recording medium.

29.   Consider claim 5. Proehl et al. teaches all claimed limitations as stated above,

except reading said tracks from a removable hard disk drive.

However, the examiner takes official notice that it is well known in the art to store

data on a removable hard disk drive.

Therefore, it would have been obvious to one of ordinary skill in the art, at the

time the invention was made to use, to store data on a removable hard disk drive, in

order to all a variety of input devices to be used as Proehl et al. already teaches (col. 1,

lines 6-17).

30.   Consider claim 9. Proehl et al. teaches a method according to claim 8, wherein:

said automobile audio head unit is adapted to communicate with a disc changer; and

said steps of receiving, accessing and playing are performed by a device in

communication with said automobile audio head unit, said device emulates said disc

changer (col. 8, lines 25-67).

31.   Claims 8, 10, 26, 28, 34, 36, 38, 39, 47, 49, 53-55, 60, and 62 are rejected using

similar reasoning as the corresponding claims above.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MISHAWN DUNN whose telephone number is

(571)272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to

5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thai Tran can be reached on (571)272-7382. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MISHAWN DUNN/
Examiner, Art Unit 2621
July 16, 2008

/Thai Tran/
Supervisory Patent Examiner, Art Unit 2621